

**GRANDVIEW CITY COUNCIL  
COMMITTEE-OF-THE-WHOLE  
MEETING AGENDA  
TUESDAY, APRIL 8, 2025**



**This meeting will be held in person  
and will also be available via teleconference.**

**PLEASE NOTE: The maximum occupancy of the Council Chambers is 49 individuals at one time. Access to exits must be kept clear to ensure everyone in the Chambers can safely exit in the event of an emergency.**

**COMMITTEE-OF-THE-WHOLE MEETING – 6:00 PM**

**PAGE**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. NEW BUSINESS**
  - A. New Employee Introductions – John Simmons, Public Works Director and Raul Sanchez, Wastewater Treatment Plant Supervisor
  - B. Resolution approving Amendment No. 1 to Task Order No. 2025-02 with HLA Engineering and Land Surveying, Inc., for the Dykstra Park Restroom Restoration – Construction Engineering 1-6
  - C. Resolution accepting the Old Inland Empire Highway (Welch) Sanitary Sewer Improvements as complete 7-17
  - D. Resolution accepting the bid for the Dykstra Park Restroom Restoration and authorizing the Mayor to sign all contract documents with Puterbaugh General Construction Company, Inc. 18-22
  - E. Grandview Chamber of Commerce Update 23-76
- 4. CITY ADMINISTRATOR AND/OR STAFF REPORTS**
- 5. MAYOR & COUNCILMEMBER REPORTS**
  - A. Sub-Committee Updates
- 6. ADJOURNMENT**

The City of Grandview Committee-of-the-Whole and Regular Council Meetings scheduled for Tuesday, April 8, 2025 at 6:00 pm and 7:00 pm will be held in person and will also be available via teleconference.

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://us06web.zoom.us/j/85447707272?pwd=1nmxa5MST2uRMEnVHJYMaRtT1GGbMu.1>

To join via phone: +1 253 215 8782

Meeting ID: 854 4770 7272

Passcode: 326479

**CITY OF GRANDVIEW**  
**AGENDA ITEM HISTORY/COMMENTARY**  
**COMMITTEE-OF-THE-WHOLE MEETING**

**ITEM TITLE**

Resolution approving Amendment No. 1 to Task Order No. 2025-02 with HLA Engineering and Land Surveying, Inc., for the Dykstra Park Restroom Restoration – Construction Engineering

**AGENDA NO.:** New Business 3 (B)

**AGENDA DATE:** April 8, 2025

**DEPARTMENT**

Public Works Department

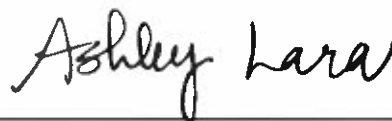
**FUNDING CERTIFICATION** (City Treasurer)  
(If applicable)

**DEPARTMENT DIRECTOR REVIEW**

Shane Fisher, City Administrator

**CITY ADMINISTRATOR**

**MAYOR**



**ITEM HISTORY** (Previous council reviews, action related to this item, and other pertinent history)

The City applied for and was awarded grant funding in the amount of \$100,000 through the Recreation and Conversation Office (RCO) to restore the existing Dykstra Park restroom located near West Fifth Street and Stassen Way.

The City Council adopted Resolution No. 2025-14 on February 11, 2025 approving Task Order No. 2025-02 with HLA to provide professional engineering services for the Dykstra Park Restroom Restoration.

**ITEM COMMENTARY** (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the city budget, personnel resources, and/or residents.

Amendment No. 1 to Task Order No. 2025-02 provides construction engineering administration for the Dykstra Park Restroom Restoration. The City will provide on-site construction observation, photographs, measurements, monitoring and preparation of daily reporting for use by HLA in providing construction administration and documentation. Construction engineering services shall be performed on a time-spent basis at the current hourly billing rates included in the General Agreement, plus reimbursement of non-salary expenses for the estimated fee of \$21,000.

Staff recommends Council approve Amendment No. 1 to Task Order No. 2025-02 with HLA Engineering and Land Surveying, Inc., to provide professional engineering services for the Dykstra Park Restroom Restoration.

**ACTION PROPOSED**

Move a resolution approving Amendment No. 1 to Task Order No. 2025-02 with HLA Engineering and Land Surveying, Inc., for the Dykstra Park Restroom Restoration to the April 8, 2025 regular Council meeting for consideration.

**Anita Palacios**

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**From:** Jacob Sevigny <jsevigny@hlacivil.com>  
**Sent:** Monday, March 24, 2025 4:58 PM  
**To:** Shane Fisher; Anita Palacios  
**Cc:** Susan Shane  
**Subject:** Dykstra Park Restroom Restoration Task Order Amendment No. 1  
**Attachments:** Grandview Dykstra Park Restroom Task Order Amendment for CN.pdf

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**CAUTION:** External Email

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Good Afternoon Shane and Anita,

Please see attached a scan of the Dykstra Park Restroom Restoration Task Order Amendment No.1 for construction services.

Hard copies will also be sent to you in the mail.

Please let us know if you have any questions or need anything else.

Thanks,



**Jacob Sevigny, PE**

**HLA Engineering and Land Surveying, Inc.**

2803 River Road, Yakima, WA 98902

Office: (509) 966-7000 | Cell: (509) 985-1592

[jsevigny@hlacivil.com](mailto:jsevigny@hlacivil.com) | [www.hlacivil.com](http://www.hlacivil.com)

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**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,  
APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 2025-02 WITH  
HLA ENGINEERING AND LAND SURVEYING, INC., FOR  
THE DYKSTRA PARK RESTROOM RESTORATION**

**WHEREAS**, the City of Grandview has entered into a General Services Agreement with HLA Engineering and Land Surveying, Inc., (HLA) for work pursuant to task orders; and,

**WHEREAS**, the City Council adopted Resolution No. 2025-14 on February 11, 2025 approving Task Order No. 2025-02 with HLA to provide professional engineering services for the Dykstra Park Restroom Restoration; and

**WHEREAS**, Amendment No. 1 to Task Order No. 2025-02 provides construction engineering administration for the Dykstra Park Restroom Restoration,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, AS FOLLOWS:**

The Mayor is hereby authorized to sign Amendment No. 1 to Task Order No. 2025-02 with HLA Engineering and Land Surveying, Inc., to provide construction engineering administration with an estimated fee of \$21,000 in the form as is attached hereto and incorporated herein by reference.

**PASSED** by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at a special meeting on \_\_\_\_\_, 2025.

**MAYOR**

\_\_\_\_\_  
**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**AMENDMENT NO. 1**  
**TASK ORDER NO. 2025-02**

REGARDING GENERAL AGREEMENT BETWEEN THE CITY OF GRANDVIEW

AND

HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

**PROJECT DESCRIPTION:**

**Dykstra Park Restroom Restoration - Construction Engineering**  
**HLA Project No. 25062C**

The City of Grandview (CITY) plans to restore the existing public restroom facility within Dykstra Park utilizing funding received from the Recreation and Conservation Office (RCO). The CITY requested HLA Engineering and Land Surveying, Inc. (HLA), provide limited design plans, specifications, engineer's estimate, and bid package for the project in order to contract through the CITY's small works roster. Improvements will consist of new roofing, replacement of interior plumbing and bathroom fixtures, new concrete sidewalk, new drinking fountain, electrical services, and lighting. Engineering design work began immediately following Task Order execution, with construction anticipated to occur during spring of 2025.

**REASON FOR AMENDMENT NO. 1**

At the direction of the CITY, HLA will provide construction engineering administration for the Dykstra Park Restroom Restoration – Construction Engineering (PROJECT). It is intended that the CITY will provide on-site construction observation, photographs, measurements, monitoring, and preparation of daily reporting for use by HLA in providing construction administration and documentation.

**SCOPE OF SERVICES:**

The Scope of Services in Task Order No. 2025-02 shall be amended to include the following.

**2.0 Construction Engineering**

- 2.1 Following Council award authorization, prepare Notice of Award to the Contractor, assemble construction contract documents, and coordinate execution with the CITY and Contractor.
- 2.2 Review Contractor's submission of certificate of insurance and contract bond.
- 2.3 Coordinate and facilitate preconstruction meeting with the CITY, Contractor, private utilities, and affected agencies.
- 2.4 Prepare and transmit notice to proceed to Contractor.
- 2.5 Respond to contractor requests for information (RFI).
- 2.6 Interpret plans and specifications when necessary.
- 2.7 Create and maintain accurate construction documentation for the life of the PROJECT.
- 2.8 Ensure the CITY has all necessary files for audits.
- 2.9 Consult and advise the CITY during construction and make final review and report of the completed work with CITY representatives.
- 2.10 Review acceptance sampling and testing for construction materials.

- 2.11 Review Contractor's submission of samples and shop drawings.
- 2.12 Attend construction meetings as requested by the CITY, anticipated no more twice per month during the duration of improvements.
- 2.13 Perform measurement and computation of pay items.
- 2.14 Prepare and provide monthly progress estimates to the CITY and recommend progress payments for the Contractor.
- 2.15 Monitor the Contractor's compliance with federal and state labor standards.
- 2.16 Conduct final walkthrough inspection with the Contractor, CITY, and HLA. Prepare and transmit punchlist to Contractor.
- 2.17 Prepare and submit Notice of Completion of Public Works Contract (NOC). Monitor lien releases from state agencies.
- 2.18 Prepare and submit recommendation for PROJECT acceptance.
- 2.19 Notify CITY when retainage may be released.
- 2.20 Ensure the PROJECT is completed as designed and contract specifications are adhered to during construction.
- 2.21 Coordinate and administer a PROJECT completion debrief meeting with CITY, HLA, and contractor if requested by CITY.

#### **4.0 Items to be Furnished and Responsibility of the CITY**

- 4.8 Furnish an inspector to observe construction for substantial compliance with plans and specifications and CITY Construction Standards, including photographs, measurements, monitoring, preparation of daily reporting, and contractor communications.
- 4.9 Prepare proposed contract change orders and/or force account computations as required.

#### **TIME OF PERFORMANCE:**

The Time of Performance included in Task Order No. 2025-02 shall be amended to include the following:

#### **2.0 Construction Engineering**

- 2.1 Construction engineering services shall begin upon construction contract award by the CITY to the lowest responsible bidder and extend through notification to the CITY when retainage may be released.
- 2.2 A contract work completion date of May 30, 2025, has been assumed for this project.
- 2.3 Should the Contractor be granted time extensions for construction completion due to recognized delays, requested additional work, and/or change orders, services during construction beyond the assumed contract work completion date of May 30, 2025, shall be billed as additional services.


#### **FEE FOR SERVICES:**

The Fee for Services included in Task order No. 2025-02 shall be amended to include the following. The amount listed below may be revised only by written agreement of both parties.

## **2.0 Construction Engineering**

Construction engineering services shall be performed on a time-spent basis at the current hourly billing rates included in our General Agreement, plus reimbursement of non-salary expenses for the estimated fee of \$21,000.

**Proposed:**

  
\_\_\_\_\_  
HLA Engineering and Land Surveying, Inc.  
Michael T. Battle, PE, President

3/24/2025  
Date

**Approved:**

\_\_\_\_\_  
City of Grandview  
Ashley Lara, Mayor

\_\_\_\_\_  
Date



**CITY OF GRANDVIEW  
AGENDA ITEM HISTORY/COMMENTARY  
COMMITTEE-OF-THE-WHOLE MEETING**

**ITEM TITLE**

Resolution accepting the Old Inland Empire Highway (Welch) Sanitary Sewer Improvements as complete

**AGENDA NO.:** New Business 3 (C)

**AGENDA DATE:** April 8, 2025

**DEPARTMENT**

Public Works Department

**FUNDING CERTIFICATION** (City Treasurer)  
(If applicable)

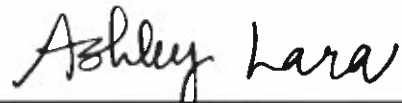
N/A

**DEPARTMENT DIRECTOR REVIEW**

Shane Fisher, City Administrator

**CITY ADMINISTRATOR**

**MAYOR**



**ITEM HISTORY** (Previous council reviews, action related to this item, and other pertinent history)

None

**ITEM COMMENTARY** (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

C&E Trenching, LLC completed the Old Inland Empire Highway (Welch) Sanitary Sewer Improvements. Staff recommends Council accept the project as complete once the requirements in the March 27, 2025 letter from HLA Engineering and Land Surveying, Inc., have been satisfied.

**ACTION PROPOSED**

Move a resolution accepting the Old Inland Empire Highway (Welch) Sanitary Sewer Improvements as complete to the April 8, 2025 regular Council meeting for consideration.

**Anita Palacios**

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**From:** Deanna Dillon <ddillon@hlacivil.com>  
**Sent:** Friday, March 28, 2025 7:41 AM  
**To:** Shane Fisher; Anita Palacios; Sue Desallier; Lillian Veliz  
**Cc:** Angie Ringer; Taylor Denny; Michael Uhlman; Marla Meza  
**Subject:** 23157C - GV - OIE (Welch) Sanitary Sewer Improvements - PE 08 and Final, SOV, MOH, Final Contract Voucher - to City  
**Attachments:** 2025-03-27 - 23157C - PE 08 and Final SOV - Signed.pdf

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**CAUTION:** External Email

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Good morning, Shane, and Anita,

Please see the attached Progress Estimate No. 08 & Final, and Final Voucher Cert for the above referenced project, along with a letter recommending approval by the City of Grandview for payment to C&E Trenching, LLC.

If you have any questions or need anything further, please let us know.

Thank you,



**Deanna Dillon, Contract Administrator 1**

**HLA Engineering and Land Surveying, Inc.**

2803 River Road, Yakima, WA 98902

Office: (509) 966-7000

[ddillon@hlacivil.com](mailto:ddillon@hlacivil.com) | [www.hlacivil.com](http://www.hlacivil.com)



**March 27, 2025**

**City of Grandview  
207 West 2nd Street  
Grandview, WA 98930**

**Attn: Shane Fisher  
City Administrator**

**Re: City of Grandview  
Old Inland Empire Highway (Welch) Sanitary Sewer Improvements  
HLA Project No.: 23157C  
Final Progress Estimate and Project Acceptance**

**Dear Shane:**

**Enclosed is Progress Estimate No. 08 designated as the Final for work performed by C&E Trenching, LLC through March 21, 2025 in connection with their contract on the above referenced project. The amount due to the contractor of \$30,416.53 is net, as per the contract document. We recommend this Final Progress Estimate be considered and accepted by the City of Grandview Council.**

**This letter also serves as our recommendation for acceptance of the project by your City Council. We have reviewed the work performed by C&E Trenching, LLC and believe it has been completed satisfactorily.**

**Once the project has been accepted as complete by the City Council, the required "Notice of Completion of Public Works Contract" will be completed by our office and sent to the Department of Revenue (DOR), Department of Labor and Industries (L&I), and Employment Security Department (ESD), through our access to the City's L&I Awarding Agency Portal. If the City prefers to submit the Notice of Completion, please notify our office.**

**The Retainage Bond #7901162462 may be released to C&E Trenching, LLC after acceptance of the project, when lien releases have been received from DOR, L&I, and ESD, and when the City has confirmed no liens have been received related to this project.**

**Once the above items have occurred, this project may be considered complete:**

The City will receive the following from HLA Engineering and Land Surveying, Inc. (HLA) in a One Drive Link for download:

- A completed copy of project punch list items identified during the final walk-through inspection.
- A PDF set of Record Drawings for the project.
- Final Contract Voucher Certification from the Contractor certifying all labor and materials furnished on this project have been paid for.
- Required project labor and equal employment opportunity documents including:
  - Requests to Sublet and verifications for the Prime Contractor and all subcontractors who performed work on this project.
  - Statements of Intent to Pay Prevailing Wages and Affidavits of Wages Paid approved by the Washington State Department of Labor and Industries.

Our office will retain an electronic copy of the project files should the City need them in the future.

Please forward a copy of your Council Resolution authorizing project acceptance and release of Retainage Bond #7901162462 to our office for inclusion in the project file.

Contact our office if you have any questions or if we may provide additional information.

Sincerely,



Michael Uhlman  
2025.03.27  
12:05:53-07'00'

Michael D. Uhlman, PE

MDU/dld

Enclosures

Copy: Anita Palacios, Sue Desallier, Lillian Veliz – City of Grandview  
Angie Ringer, Taylor Denny – HLA Engineering and Land Surveying, Inc

## CONSTRUCTION PROGRESS ESTIMATE

## Old Inland Empire Highway (Welch) Sanitary Sewer Improvements

CITY OF GRANDVIEW

207 WEST 2ND ST.

GRANDVIEW, WA 98930

TO: C&amp;E Trenching LLC

PO Box 3788

Pasco, WA 99302


HLA PROJECT NO.: 23157

PROGRESS ESTIMATE NO.: 8 and Final

FROM: Dec. 01, 2024 TO: Mar. 21, 2025



BID ITEM NO.	SCH. OF WORK	DESCRIPTION	UNIT	CONTRACT TOTAL (Contract + COs)			TOTAL WORK TO DATE		PREVIOUS PAID		AMOUNT DUE NOW (Total - Previous)			PERCENT CONTRACT COMPLETE
				QTY	UNIT PRICE	COST	QTY	COST	QTY	COST	QTY	COST		
1	A	Minor Change	FA	1	\$ 10,000.00	\$ 10,000.00	1.19	\$ 11,897.47	1.19	\$ 11,897.47	0	\$ -	-	119%
2	A	Mobilization	LS	1	\$ 75,710.00	\$ 75,710.00	1	\$ 75,710.00	1	\$ 75,710.00	0	\$ -	-	100%
3	A	Project Temporary Traffic Control	LS	1	\$ 25,500.00	\$ 25,500.00	1.00	\$ 25,499.00	1.00	\$ 25,499.00	0	\$ -	-	100%
4	A	Removal of Structures and Obstructions	LS	1	\$ 18,300.00	\$ 18,300.00	1	\$ 18,300.00	0.90	\$ 16,534.50	0.10	\$ 1,765.50	-	100%
5	A	Crushed Surfacing Base Course	TON	440	\$ 56.30	\$ 24,772.00	323.45	\$ 18,210.24	323.45	\$ 18,210.24	0	\$ -	-	74%
6	A	Crushed Surfacing Top Course	TON	100	\$ 69.40	\$ 6,940.00	149.53	\$ 10,377.38	149.53	\$ 10,377.38	0	\$ -	-	150%
7	A	HMA CI. 3/8-Inch PG 64H-28	TON	210	\$ 205.70	\$ 43,197.00	294.52	\$ 60,582.76	294.52	\$ 60,582.76	0	\$ -	-	140%
8	A	Lined Manhole 48 In. Diam. Type 1	EA	7	\$ 13,850.00	\$ 96,950.00	7	\$ 96,950.00	7	\$ 96,950.00	0	\$ -	-	100%
9	A	Lined Manhole 72 In. Diam. Type 1	EA	1	\$ 23,200.00	\$ 23,200.00	1	\$ 23,200.00	1	\$ 23,200.00	0	\$ -	-	100%
10	A	Lined Drop Manhole 48 In. Diam. Type 1	EA	3	\$ 19,400.00	\$ 58,200.00	3	\$ 58,200.00	3	\$ 58,200.00	0	\$ -	-	100%
11	A	Lined Drop Manhole 60 In. Diam. Type 1	EA	1	\$ 28,450.00	\$ 28,450.00	1	\$ 28,450.00	1	\$ 28,450.00	0	\$ -	-	100%
12	A	Abandon Existing Manhole	EA	13	\$ 2,150.00	\$ 27,950.00	10	\$ 21,500.00	10	\$ 21,500.00	0	\$ -	-	77%
13	A	Connection to Drainage Structure	EA	2	\$ 1,800.00	\$ 3,600.00	2	\$ 3,600.00	2	\$ 3,600.00	0	\$ -	-	100%
14	A	Shoring or Extra Excavation	LF	2,535	\$ 5.80	\$ 14,703.00	2,565	\$ 14,877.00	2,565	\$ 14,877.00	0	\$ -	-	101%
15	A	Select Backfill, as Directed	CY	70	\$ 73.00	\$ 5,110.00	36.38	\$ 2,655.74	36.38	\$ 2,655.74	0	\$ -	-	52%
16	A	Potholing	EA	20	\$ 1,200.00	\$ 24,000.00	19	\$ 22,800.00	19	\$ 22,800.00	0	\$ -	-	95%
17	A	PVC Sanitary Sewer Pipe 6 In. Diam.	LF	10	\$ 175.00	\$ 1,750.00	83	\$ 14,525.00	83	\$ 14,525.00	0	\$ -	-	830%
18	A	PVC Sanitary Sewer Pipe 8 In. Diam.	LF	30	\$ 163.20	\$ 4,896.00	20	\$ 3,264.00	20	\$ 3,264.00	0	\$ -	-	67%
19	A	PVC Sanitary Sewer Pipe 12 In. Diam.	LF	10	\$ 188.60	\$ 1,886.00	4	\$ 754.40	4	\$ 754.40	0	\$ -	-	40%
20	A	PVC Sanitary Sewer Pipe 15 In. Diam.	LF	305	\$ 142.50	\$ 43,482.50	285.90	\$ 40,740.75	285.90	\$ 40,740.75	0	\$ -	-	94%
21	A	PVC Sanitary Sewer Pipe 18 In. Diam.	LF	495	\$ 119.60	\$ 59,202.00	492	\$ 58,843.20	492	\$ 58,843.20	0	\$ -	-	99%
22	A	PVC Sanitary Sewer Pipe 21 In. Diam.	LF	1,685	\$ 182.10	\$ 306,838.50	1,660	\$ 305,928.00	1,660	\$ 305,928.00	0	\$ -	-	100%
23	A	Sanitary Sewer Bypass	LS	1	\$ 48,000.00	\$ 48,000.00	1	\$ 48,000.00	1	\$ 48,000.00	0	\$ -	-	100%
24	A	ESC Lead	DAY	16	\$ 150.00	\$ 2,400.00	9	\$ 1,350.00	9	\$ 1,350.00	0	\$ -	-	56%
25	A	Erosion/Water Pollution Control	FA	1	\$ 2,500.00	\$ 2,500.00	0.96	\$ 2,404.17	0.96	\$ 2,404.17	0	\$ -	-	96%
26	A	Inlet Protection	EA	3	\$ 54.00	\$ 162.00	3	\$ 162.00	3	\$ 162.00	0	\$ -	-	100%
27	A	Landscape Restoration	FA	1	\$ 5,000.00	\$ 5,000.00	1.21	\$ 6,070.40	1.21	\$ 6,070.40	0	\$ -	-	121%

CONSTRUCTION PROGRESS ESTIMATE										Old Inland Empire Highway (Welch) Sanitary Sewer Improvements									
CITY OF GRANDVIEW 207 WEST 2ND ST. GRANDVIEW, WA 98930										<div></div>									
TO: C&E Trenching LLC PO Box 3788 Pasco, WA 99302										HLA PROJECT NO.: 23157									
PROGRESS ESTIMATE NO.: 8 and Final										FROM: Dec. 01, 2024 TO: Mar. 21, 2025									
BID ITEM NO.	SCH. OF WORK	DESCRIPTION	UNIT	CONTRACT TOTAL (Contract + COs)			TOTAL WORK TO DATE		PREVIOUS PAID		AMOUNT DUE NOW (Total - Previous)		PERCENT CONTRACT COMPLETE						
				QTY	UNIT PRICE	COST	QTY	COST	QTY	COST	QTY	COST							
28	A	Cement Conc. Traffic Curb and Gutter	LF	20	\$ 205.00	\$ 4,100.00	13	\$ 2,665.00	13	\$ 2,665.00	0	\$ -	65%						
29	A	Cement Conc. Sidewalk 4-Inch Thick	SY	10	\$ 384.00	\$ 3,840.00	5	\$ 1,920.00	5	\$ 1,920.00	0	\$ -	50%						
30	A	Pavement Markings	LS	1	\$ 4,400.00	\$ 4,400.00	1	\$ 4,400.00	1	\$ 4,400.00	0	\$ -	100%						
31	CO1	Minor Change	FA	0	\$ 2,500.00	\$ -	0	\$ -	0	\$ -	0	\$ -	0%						
32	CO1	Mobilization	LS	0	\$ 32,500.00	\$ -	0	\$ -	0	\$ -	0	\$ -	0%						
33	CO1	Sanitary Sewer Bypass	LS	0	\$ 2,800.00	\$ -	0	\$ -	0	\$ -	0	\$ -	0%						
34	CO1	Clean and Video Inspect Existing Pipe	LF	0	\$ 7.60	\$ -	0	\$ -	0	\$ -	0	\$ -	0%						
35	CO1	Obstruction Removal, CIPP Preparation	EA	0	\$ 3,900.00	\$ -	0	\$ -	0	\$ -	0	\$ -	0%						
36	CO1	Cured in Place Pipe Rehabilitation 10 In. Diam.	LF	0	\$ 135.36	\$ -	0	\$ -	0	\$ -	0	\$ -	0%						
37	CO1	Reinstate Existing Side Sewer, Internal	EA	0	\$ 2,900.00	\$ -	0	\$ -	0	\$ -	0	\$ -	0%						
38	CO2	Division Street Emergency Sewer Repair	FA	1	\$ 117,230.17	\$ 117,230.17	1.00	\$ 117,230.17	1.00	\$ 117,230.17	0	\$ -	100%						
39	CO2	Additional Daily Traffic Control	DAY	16	\$ 213.55	\$ 3,416.80	16	\$ 3,416.80	16	\$ 3,416.80	0	\$ -	100%						
40	CO3	Division Street Emergency Sewer Repair	FA	1	\$ 26,184.40	\$ 26,184.40	1	\$ 26,184.40	0	\$ -	1	\$ 26,184.40	100%						
41	CO3	Additional Daily Traffic Control	DAY	1	\$ 213.55	\$ 213.55	1	\$ 213.55	0	\$ -	1	\$ 213.55	100%						
Schedule A Subtotal														\$ 983,836.52	\$ 982,071.02	\$ 1,765.50	101%		
8.0% Sales Tax - Schedule A														\$ 78,001.52	\$ 78,565.68	\$ 141.24			
Project Total														\$ 1,062,543.44	\$ 1,060,636.70	\$ 1,906.74			
Schedule CO1 Subtotal														\$ -	\$ -	\$ -			
8.0% Sales Tax - Schedule CO1														\$ -	\$ -	\$ -			
SCHEDULE CO1 - TOTAL														\$ -	\$ -	\$ -			
Schedule CO2 Subtotal														\$ 120,646.97	\$ 120,646.97	\$ -	100%		
8.0% Sales Tax - Schedule CO2														\$ 9,651.76	\$ 9,651.76	\$ -			
SCHEDULE CO2 - TOTAL														\$ 130,298.73	\$ 130,298.73	\$ -			

CONSTRUCTION PROGRESS ESTIMATE

Old Inland Empire Highway (Welch) Sanitary Sewer Improvements

CITY OF GRANDVIEW

207 WEST 2ND ST.

GRANDVIEW, WA 98930

TO: C&E Trenching LLC

PO Box 3788

Pasco, WA 99302

HLA PROJECT NO.: 23157

PROGRESS ESTIMATE NO.: 8 and Final

FROM: Dec. 01, 2024 TO: Mar. 21, 2025

BID  
ITEM  
NO.

SCH.  
OF  
WORK

DESCRIPTION

UNIT

QTY

UNIT PRICE

COST

TOTAL WORK TO DATE

PREVIOUS PAID

AMOUNT DUE NOW  
(Total - Previous)

PERCENT  
CONTRACT  
COMPLETE

		Schedule CO3 Subtotal		\$ 26,397.95	\$ 26,397.95	\$ -	\$ 26,397.95	100%
		8.0% Sales Tax - Schedule CO3		\$ 2,111.84	\$ 2,111.84	\$ -	\$ 2,111.84	
		SCHEDULE CO3 - TOTAL		\$ 28,509.79	\$ 28,509.79	\$ -	\$ 28,509.79	
		Project Total (Including Sales Tax)		\$ 1,221,828.04	\$ 1,221,351.96	\$ 1,190,935.43	\$ 30,416.53	101%
		Retainage Bond (#7901162462) 0%			\$ -	\$ -	\$ -	
		Amount Due Progress Estimate No. 8 and Final		\$ 1,221,351.96	\$ 1,190,935.43	\$ 30,416.53	\$ 30,416.53	

I hereby certify that the foregoing is a true and correct statement of the work performed under this contract.

Michael D. Uhlman

2025.03.27 12:06:55-07'00"

I hereby accept the Final Progress Estimate and Final Contract Voucher Certification, in accordance with Section 1-09.9 of the WSDOT Standard Specifications.

Wayne Richardson

Digitally signed by Wayne Richardson

DN: cn=Wayne Richardson, o=C&E Trenching, LLC,

ou=Estimating, email=Wayne@cantentrenching.com,

c=US

C&E Trenching Inc: 2025.03.26 09:31:40 -07'00"

13



**CONSTRUCTION PROGRESS ESTIMATE - SCHEDULE OF VALUES**

City of Grandview

Old Inland Empire Highway (Welch) Sanitary Sewer Improvements

TO: C&E Trenching LLC  
PO Box 3788  
Pasco, WA 99302

HLA PROJECT NO.: 23157



BID ITEM NO.	BID ITEM NAME	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	PERCENT OF ITEM COMPLETE
2	Mobilization	2.01 - Sched A - Mobilization - 50% Payment at 5% Project Completion	1	LS	\$ 37,855.00	\$ 37,855.00	100.00%
2	Mobilization	2.02 - Sched A - Mobilization - 100% Payment at 10% Project Completion	1	LS	\$ 37,855.00	\$ 37,855.00	100.00%
3	Project Temporary Traffic Control	3.01 - Traffic Control Plans	1	LS	\$ 1,275.00	\$ 1,275.00	100.00%
3	Project Temporary Traffic Control	3.02 - Construction Signs & Devices	1	LS	\$ 7,140.00	\$ 7,140.00	100.00%
3	Project Temporary Traffic Control	3.03 - Daily Traffic Control Supervisor & Flaggers	80	Day	\$ 213.55	\$ 17,084.00	100.00%
4	Removal of Structures and Obstructions	4.01 - Structure Demo & Removal	1	LS	\$ 11,238.00	\$ 11,238.00	100.00%
4	Removal of Structures and Obstructions	4.02 - Misc Demo & Removal	1	LS	\$ 7,062.00	\$ 7,062.00	100.00%
23	Sanitary Sewer Bypass	23.01 - Bypass Pump Equipment	1	LS	\$ 24,000.00	\$ 24,000.00	100.00%
23	Sanitary Sewer Bypass	23.02 - Bypass Pump Set-Up & Monitoring	1	LS	\$ 16,800.00	\$ 16,800.00	100.00%
23	Sanitary Sewer Bypass	23.03 - Bypass Pump Takedown & Removal	1	LS	\$ 7,200.00	\$ 7,200.00	100.00%
30	Pavement Markings	30.01 - Pavement Markings	1	LS	\$ 4,400.00	\$ 4,400.00	100.00%







Final Contract  
Voucher Certification  
City of Grandview

PROJECT NAME: Old Inland Empire Highway (Welch) Sanitary Sewer Improvements

PROJECT NUMBER: 23157

Date Work Physically Completed: October 25, 2024

Final Contract Amount: \$1,221,351.96

All work on the above referenced project has been completed in accordance with the contract documents and the final inspection has been completed, including all required project documentation.

I, the undersigned, certify and declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct: I am authorized to sign for the claimant; that in connection with the work performed and, to the best of my knowledge, no loan, gratuity or gift in any form whatsoever has been extended to any employee of the City of Grandview; nor have I rented or purchased any equipment or materials from any employee of the City of Grandview; that the attached final estimate is a true and correct statement showing all the monies due the claimant from the City of Grandview for work performed and material furnished under this Contract; that I have carefully examined said final estimate and understand the same and; that I, on behalf of the claimant, hereby release and forever discharge the City of Grandview from any and all claims of whatsoever nature which I or the claimant may have, arising out of the performance of said Contract, which are not set forth in said final estimate.

The undersigned, C&E Trenching, LLC, also hereby certifies that all subcontractors, suppliers, and employees have been paid in accordance with the Contract Documents and all applicable laws, except for Retainage, if any, remaining to be paid.

Contractor: C&E Trenching, LLC

Address: PO Box 3788  
Pasco, WA 99302

Wayne

Authorized Official: Richardson

Contractor Signature

Digitally signed by Wayne Richardson  
DN: cn=Wayne Richardson, o=C&E  
Trenching, LLC, ou=Estimating,  
email=Wayne@candetrenching.com, c=US  
Date: 2025.03.25.15:59:35 -07'00'

Date: 3-25-2025

Print Name: Wayne Richardson

Title: Sr Project Manager

**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,  
ACCEPTING THE OLD INLAND EMPIRE HIGHWAY (WELCH) SANITARY SEWER  
IMPROVEMENTS AS COMPLETE**

**WHEREAS**, the City contracted with C&E Trenching, LLC to perform work for the Old Inland Empire Highway (Welch) Sanitary Sewer Improvements; and,

**WHEREAS**, the City's Engineer has determined that the work performed by C&E Trenching, LLC on this project is complete and ready for final acceptance by the City Council,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, AS FOLLOWS:**

The City of Grandview accepts the Old Inland Empire Highway (Welch) Sanitary Sewer Improvements as complete and authorizes staff to release the retainage to C&E Trenching, LLC once the conditions in the March 27, 2025 letter from HLA Engineering and Land Surveying, Inc., have been satisfied.

**PASSED** by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on \_\_\_\_\_, 2025.

**MAYOR**

\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

**CITY OF GRANDVIEW  
AGENDA ITEM HISTORY/COMMENTARY  
COMMITTEE-OF-THE-WHOLE MEETING**

**ITEM TITLE**

Resolution accepting the bid for the Dykstra Park Restroom Restoration and authorizing the Mayor to sign all contract documents with Puterbaugh General Construction Company, Inc.

**AGENDA NO.:** New Business 3 (D)

**AGENDA DATE:** April 8, 2025

**DEPARTMENT**

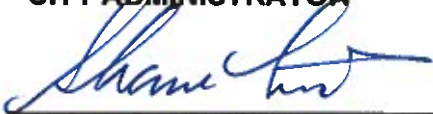
Public Works Department

**FUNDING CERTIFICATION** (City Treasurer)  
(If applicable)

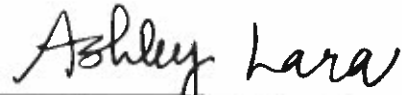
**DEPARTMENT DIRECTOR REVIEW**

Shane Fisher, City Administrator

**CITY ADMINISTRATOR**



**MAYOR**



**ITEM HISTORY** (Previous council reviews, action related to this item, and other pertinent history)

The City applied for and was awarded grant funding in the amount of \$100,000 through the Recreation and Conversation Office (RCO) to restore the existing Dykstra Park restroom located near West Fifth Street and Stassen Way.

**ITEM COMMENTARY** (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

Bids for the Dykstra Park Restroom Restoration were opened on March 31, 2025. A total of two (2) bids were received with Puterbaugh General Construction Company, Inc., of Grandview, Washington, submitting the low bid in the amount of \$145,081.80. The low bidder was still significantly higher than the engineer's estimate. The RCO grant we were awarded will sunset on June 30, 2025, and we are required to have the funds expended by that date. This means that we do not have time to rebid this project.

Staff recommends using \$46,000.00 from the Capital Improvement Budget to cover the remaining project costs.

**ACTION PROPOSED**

Move resolution accepting the bid for the Dykstra Park Restroom Restoration and authorizing the Mayor to sign all contract documents with Puterbaugh General Construction Company, Inc., to the April 8, 2025 a regular Council meeting for consideration.

**Anita Palacios**

---

**From:** Janell Buchanan <jbuchanan@hlacivil.com>  
**Sent:** Wednesday, April 2, 2025 12:16 PM  
**To:** Anita Palacios  
**Cc:** John Simmons; Shane Fisher; Angie Ringer; Taylor Denny; Jacob Sevigny  
**Subject:** 25062 Recommendation of Award and Bid Summary  
**Attachments:** 2025-03-31 - 25062 - RECAward.pdf; 2025-03-31 - 25062 - Bid Summary.pdf

---

**CAUTION:** External Email

---

Good afternoon, Anita,

Please see the attached Recommendation of Award and Bid Summary for the "Dykstra Park Restroom Restoration" project.

If you have any questions or if we can provide additional information, please let us know.

Thank you,



**Janell Buchanan, Contract Administrator I**

**HLA Engineering and Land Surveying, Inc.**

2803 River Road, Yakima, WA 98902

Office: (509) 966-7000 |

[jbuchanan@hlacivil.com](mailto:jbuchanan@hlacivil.com) | [www.hlacivil.com](http://www.hlacivil.com)



March 31, 2025

City of Grandview  
207 West 2nd St.  
Grandview, WA 98930

Attn: Anita Palacios, City Clerk

Re: City of Grandview  
Dykstra Park Restroom Restoration  
HLA Project No.: 25062  
Recommendation of Award

Dear Mayor Lara:

The bids for the above referenced project were submitted electronically until 11:30 a.m. on Monday, March 31, 2025. A total of two (2) bids were received with the low bid of \$145,081.80, being offered by Puterbaugh General Construction Company, Inc., of Grandview, WA. This low bid is approximately thirty-one (31%) percent above the Engineer's Estimate of \$111,067.20.

We have reviewed and checked the bid proposals of all bidders and recommend the City of Grandview award a construction contract to Puterbaugh General Construction Company, Inc., in the amount of \$145,081.80. Please send us a copy of the City of Grandview Council meeting minutes authorizing award of this project.

Enclosed please find the project Bid Summary for your review. Please advise if we may answer any questions or provide additional information.

Sincerely,


Jacob R. Sevigny  Digitally signed by Jacob R. Sevigny  
Date: 2025.04.02 12:01:38-0700

Jacob R. Sevigny, PE

JRS/jdb

Enclosures

Copy: John Simmons, Shane Fisher, City of Grandview  
Angie Ringer, Taylor Denny, HLA

BID SUMMARY										BIDDER NO. 1			BIDDER NO. 2			BIDDER NO. 3		
Owner: City of Grandview Project: Dykstra Park Restroom Restoration HLA Project No.: 25062 Bid Opening Date: March 31, 2025										Puterbaugh General Construction Company, Inc PO Box 158 Grandview, WA 98930			Mountain States Const. Co PO Box 918 Sunnyside, WA 98944					
ITEM NO.	DESCRIPTION	QTY.	UNIT	ENGINEER'S ESTIMATE		BIDDER NO. 1		BIDDER NO. 2		BIDDER NO. 3								
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT							
1	Minor Change	Est.	FA	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00									
2	Mobilization	---	LS	\$ 9,840.00	\$ 9,840.00	\$ 6,053.00	\$ 6,053.00	\$ 44,620.00	\$ 44,620.00									
3	Drinking Fountain, Complete	---	LS	\$ 3,000.00	\$ 3,000.00	\$ 5,220.00	\$ 5,220.00	\$ 9,960.00	\$ 9,960.00									
4	Park Restroom Restoration, Complete	---	LS	\$ 80,000.00	\$ 80,000.00	\$ 113,062.00	\$ 113,062.00	\$ 160,510.00	\$ 160,510.00									
Bid Subtotal					\$ 102,840.00		\$ 134,335.00		\$ 225,090.00									
8.0% Sales Tax					\$ 8,227.20		\$ 10,746.80		\$ 18,007.20									
BID TOTAL					\$ 111,067.20		\$ 145,081.80		\$ 243,097.20									
ENGINEER'S REPORT																		
Competitive bids were opened March 31, 2025. All bids have been reviewed by this office. We recommend the contract be awarded to: Puterbaugh General Construction Company, Inc.																		
Jacob R. Sevigny Project Engineer				Date 														
Digitally signed by Jacob R. Sevigny Date: 2025.04.02 12:01:52-0700																		
*Bid results can be found at: hla civil.com																		
*Highlighted amounts have been corrected.																		

**RESOLUTION NO. 2025-\_\_**

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,  
ACCEPTING THE BID FOR THE DYKSTRA PARK RESTROOM RESTORATION  
AND AUTHORIZING THE MAYOR TO SIGN ALL CONTRACT DOCUMENTS WITH  
PUTERBAUGH GENERAL CONSTRUCTION COMPANY, INC.**

**WHEREAS**, the City of Grandview has advertised for bids for the Dykstra Park Restroom Restoration; and,

**WHEREAS**, Puterbaugh General Construction Company, Inc., of Grandview, Washington, has submitted the lowest responsible bid, which bid has been accepted;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW, AS FOLLOWS:**

The Mayor is hereby authorized to sign all contract documents with Puterbaugh General Construction Company, Inc., for the Dykstra Park Restroom Restoration in the amount of \$145,081.80.

**PASSED** by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on \_\_\_\_\_, 2025.

**MAYOR**

\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_

**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**



**Anita Palacios**

---

**From:** Shane Fisher  
**Sent:** Wednesday, March 19, 2025 4:04 PM  
**To:** Anita Palacios  
**Subject:** FW: Grandview Chamber Update to Council - COTW 3/25

**From:** Grandview Chamber of Commerce <admin@visitgrandview.com>  
**Sent:** Wednesday, March 19, 2025 3:45 PM  
**To:** Shane Fisher <sfisher@grandview.wa.us>  
**Subject:** Re: Grandview Chamber Update to Council - COTW 3/25

---

**CAUTION:** External Email

---

Hi Shane~

I have talked with some of the board members and the chamber would prefer presenting during the COW, please reschedule us for the April 8th meeting. The subject is Grandview Chamber's 2024 Programs & Projects.

Any questions let me know.

Take care,  
Monica Niemeyer  
Grandview Chamber of Commerce  
509.305.1730

On Wed, Mar 19, 2025 at 2:03 PM Shane Fisher <[sfisher@grandview.wa.us](mailto:sfisher@grandview.wa.us)> wrote:

After looking at the agenda for the COW, we might need to move this to the regular meeting to make sure we have time. Does it matter to you which meeting?

Thanks,

**Shane Fisher**

City Administrator

207 West Second Street



## **GRANDVIEW CHAMBER**

### **PRESENTATION TO THE COMMITTEE OF THE WHOLE**



**CHAMBER BOARD:**  
**MONICA NIEMEYER, PRESIDENT**  
**BILL MOORE, VICE-PRESIDENT**  
**KATHY VIERECK, TREASURER**  
**ANGELA KEY, SECRETARY**  
**BRIAN GIBBONS, BOARD MEMBER**  
**TAMMY OULLETTE, AMBASSADOR**

## **EVENTS**

- Community Awards Banquet – May 9th
  - Thanks to everyone who submitted votes
- Grandview Community Parade – August 7<sup>th</sup>
- Car Show- August 9<sup>th</sup>
- Cocoa and Carols – December - TBD

## **PROGRAMS**

- Chamber Luncheons
- Chamber Network
- DECA Scholarship
- Ribbon Cutting

## **BUSINESS IMPACTS**

- Business Community Block Watch
- Abby's Corner – Vendor Mall, A Retail Incubator Space
- Wine Country Business Center, An Office Incubator Space

## TONIGHT'S PRESENTATION

### PROJECTS

#### ➤ Blighted Buildings, Downtown Grandview

Pictures of a building in downtown Grandview that may meet the definitions of Blight; determination to be based on city and state codes.



### Blighted Buildings in Grandview Downtown – Resources

The links below are to the Washington State's RCWs and to Grandview's Municipal codes.

-RCW 35.80 - Unfit Dwellings, Building, and Structures. In this chapter RCW 35.80.030 references an ordinance for an improvement board or officer.

<https://app.leg.wa.gov/RCW/default.aspx?cite=35.80>

-RCW 35.80A - Condemnation of Blighted Property

<https://app.leg.wa.gov/RCW/default.aspx?cite=35.80A>

-RCW 35.81 - Community Renewal Law

-RCW 35.81.040 - Formulation of a workable program

<https://app.leg.wa.gov/RCW/default.aspx?cite=35.81>

-City of Grandview's Municipal Codes

<https://www.codepublishing.com/WA/Grandview>

The additional attachments you have are on Forest Park, GA:

- Forest Park City Announcement of Blight Tax Ordinance
- Forest Park Blight Tax Ordinance
- Forest Park City, Residential Rental Dwelling Unit Inspection Program
- Georgia Code 36-44, Redevelopment Power
- Georgia Code 36-44-3, Redevelopment Powers-Definitions
- State of Georgia Urban Redevelopment Act

The Grandview Chamber of Commerce would like to thank the council for this time, and we look forward to collaboration on future programs and projects.

## City Seeking Contractors For Home Repair Program



## CITY MANAGER

### Forest Park City Council Adopts New Municipal Blight Tax Ordinance

FOREST PARK, Ga. — March 8, 2024 — This week, Mayor Angelyne Butler, MPA, and members of the Forest Park City Council adopted a municipal blight tax ordinance as part of the city's ongoing effort to improve neighborhood sustainability, while also focusing on maintaining a clean, vibrant environment for residents and visitors alike.



The new legislation increases ad valorem taxes by 10.0 mills on residential and commercial properties deemed blighted, abandoned or unsafe and subsequently decreases the millage rate for a period of time once the

property is remediated or redeveloped. Once an inspection has been completed by the city, a determination shall be provided to the respective property owner, in writing, confirming that the property – per ordinance standards – is in a blighted condition.

Tax-exempt properties, such as churches, cemeteries and land owned or operated by charitable organizations, would not be impacted by the ordinance. City officials also plan to work directly with residents and business owners who may face additional financial burdens due to the new adopted ordinance.

"As we work tirelessly to attract significant investments in economic development, quality housing and neighborhood revitalization, I decided it was critical to sponsor much-needed legislation that would aid in the elimination of blight seen throughout Clayton County's largest municipality," said Mayor Butler. "This ordinance is in no way an attempt to add extra financial hardships on our constituents. However, we will no longer allow ill-principled property owners to negate their responsibilities. Comprehensive legislation like this sends a clear message that it is a new day in Forest Park, and I would especially like to thank our governing body for realizing the importance of building upon the monumental progress we have achieved over these past several years."

Last December, the city's Code Enforcement Department officially rolled out its **Beautification Plan** in an effort to beautify and unify the city through place-based, public-facing improvements. Key highlights of the plan include the creation of a beautification committee, neighborhood enhancements, litter control program and the demolition of dilapidated structures.

The city also launched its **Homeowner Maintenance Enhancements Program (H.O.M.E.)** to assist legacy residents with essential home repairs or modifications. The H.O.M.E. initiative allocates \$1.3 million in grant funding from the American Rescue Plan Act to help cover the cost of eligible repair work, including exterior painting, minor electrical work, ADA improvements and more.

"Often times, deteriorating properties end up costing the city additional resources, whether it be through more services required from our Code



Enforcement Department or even our public safety entities," said City Manager Ricky L. Clark, Jr. "We have several major development projects slated for our community, so it is imperative that we continue to improve the standard of what living and doing business in Forest Park is truly all about."

A copy of the city's blight tax ordinance can be found below (PDF format). For additional information about the city's Beautification Plan or to speak with a member of the Code Enforcement Department, call (404) 366-4720.

## SUPPORTING DOCUMENTS

 Forest Park Blight Tax Ordinance (142 KB)

## CONTACT INFORMATION

**Forest Park City Hall**

(404) 366-4720

**Ricky L. Clark, Jr., City Manager**

[rclark@forestparkga.gov](mailto:rclark@forestparkga.gov)

[View Full Contact Details](#)

[Staff Login](#) [Sitemap](#)

**745 Forest Parkway, Forest Park, GA 30297**

**Select Language** ▼

a municode design



STATE OF GEORGIA  
CITY OF FOREST PARK  
COUNTY OF CLAYTON

ORDINANCE 24-02

1           AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE  
2           CITY OF FOREST PARK, GEORGIA TO AMEND TITLE 3 (FINANCE) AND  
3           ADOPT CHAPTER 8 (BLIGHTED PROPERTY) IN THE CITY'S CODE OF  
4           ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN  
5           EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

6           **WHEREAS**, the duly elected governing authority of the City of Forest Park,  
7           Georgia (the "City") is the Mayor and Council thereof; and

8           **WHEREAS**, section 36-35-3 of the Official Code of Georgia Annotated  
9           (O.C.G.A.) provides cities the power to adopt clearly reasonable ordinances,  
10          resolutions or regulations relating to the cities' property and affairs; and

11          **WHEREAS**, the existence of blighted property increases the burden of the  
12          state and local government by increasing the need for government services; and

13          **WHEREAS**, the City desires to offer a community development tax  
14          incentive program to rehabilitate blighted property as authorized by O.C.G.A. §  
15          41-2-12, et seq., and Article IX, Section II, of the 1983 Constitution of the State  
16          of Georgia to aid in the decrease of government services; and

17          **WHEREAS**, the amendments contained herein would benefit the health,  
18          safety, morals, and welfare of the citizens of the City of Forest Park, Georgia.

19          **Section One.** The text codified in Title 3 (Finance) in the Code of Ordinances  
20          of the City of Forest Park, Georgia is hereby amended to include a new Chapter 8

(Blighted Property), to be read and codified as set forth in **Exhibit A** attached hereto and incorporated herein.

**Section Two.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section Three.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the

44 greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs  
45 and sections of the Ordinance shall remain valid, constitutional, enforceable, and of  
46 full force and effect.

47 **Section Four.** All ordinances and parts of ordinances in conflict herewith  
48 are hereby expressly repealed.

49 **Section Five.** This Ordinance shall be codified in a manner consistent with  
50 the laws of the State of Georgia and the City.

51 **Section Six.** The effective date of this Ordinance shall be the date of  
52 adoption unless otherwise stated herein.

53 **Section Seven.** The City Clerk, with the concurrence of the City Attorney,  
54 authorized to correct any scrivener's errors found in this Ordinance, including any  
55 exhibits, as enacted.

56 **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF FOREST PARK, GEORGIA**

\_\_\_\_\_  
Angelyne Butler, Mayor

**ATTEST:**

\_\_\_\_\_ (SEAL)  
Randi Rainey, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

## EXHIBIT A

### TITLE 3 – FINANCE

#### Chapter 8. - BLIGHTED PROPERTY

##### Sec. 3-8-1. - Short title.

This article shall be known as the "Forest Park Blighted Property Ordinance."

##### Sec. 3-8-2. - Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

##### Sec. 3-8-3. - Definitions.

*Blighted property, blighted, or blight* means any property which:

(1) Presents one (1) or more of the following conditions:

- (a) Uninhabitable, unsafe, or abandoned structure;
- (b) Inadequate provisions for ventilation, light, air, or sanitation;
- (c) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
- (d) A site identified by the Federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial actions;
- (e) Repeated illegal and criminal activity on the property of which the property owner knew or should have known; or
- (f) The maintenance of the property is below state, county, or municipal codes for at least three (3) months after written notice of the code violation to its owner;
- (g) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property;

- 93 (h) Property that is subject to frequent property maintenance or environmental code  
94 citations; and  
95 (i) Vacant property last occupied by a commercial or industrial use where no visible  
96 commercial or industrial activity has occurred in more than three (3) months.

97 Property shall not be deemed blighted solely because of aesthetic conditions.

98 *Building inspector* means a certified inspector possessing the requisite qualifications to  
99 determine minimal code compliance.

100 *Community redevelopment* means any activity, project, or service necessary or incidental to  
101 achieving the redevelopment or revitalization of a redevelopment area or portion thereof  
102 designated for redevelopment through an urban redevelopment plan or through local ordinances  
103 relating to the repair, closing, and demolition of buildings and structures unfit for human  
104 habitation.

105 *Governing authority* means the mayor and council of the City of Forest Park, a Georgia  
106 municipal corporation.

107 *Millage or millage rate* means the levy, in mills, which is established by the governing  
108 authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund  
109 expenses for the fiscal year.

110 *Person* means such individual(s), partnership, corporations, business entities and associations  
111 which return real property for ad valorem taxation or who are chargeable by law for the taxes on  
112 the property.

113 *Public officer* means the city manager or such officer or employee of the city as designated  
114 by the city manager to perform the duties and responsibilities hereafter set forth in this article.

115 Sec. 3-8-4 - Ad valorem tax increase on blighted property.

- 116 (a) There is hereby levied on all real property within the city which has been officially identified  
117 as maintained in a blighted condition an increased ad valorem tax by applying a factor of ten  
118 (10.0) to the millage rate applied to the property, so that such property shall be taxed at a  
119 higher millage rate generally applied in the municipality, or otherwise provided by general  
120 law; provided, however, real property on which there is situated a dwelling house which is  
121 being occupied as the primary residence of one (1) or more persons shall not be subject to  
122 official identification as maintained in a blighted condition and shall not be subject to  
123 increased taxation.
- 124 (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered  
125 following official designation of a real property as blighted; provided however, if a property  
126 owner resolves the blighted condition of such owner's property to the city's satisfaction (in  
127 accordance with the provisions of section 3-8-6) at least sixty (60) days prior to the preparation  
128 of the first tax bill following such official designation of such real property as blighted, the

property shall be eligible for the decrease of the tax rate as provided in section 3-8-7 in the first tax bill rendered following official designation of such real property as blighted.

- (c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the city manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit building and structures.

Sec. 3-8-5. - Identification of blighted property.

- (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

- (1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

(a) A request may be made by the public officer or by at least five (5) residents (each living in a different household from the others) of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

(b) The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five (5) years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.

- (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.

- (3) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.

- (4) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Clayton County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 and a notice posted on the property shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being

maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have thirty (30) days from the receipt of notice in which to request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

- (c) Within thirty (30) days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten (10) business days' notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the designated legal organ of the city, at least five (5) days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
- (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the tax commissioner of Clayton County, as applicable, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.
- (e) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the Superior Court of Clayton County, as applicable, for a writ of certiorari within thirty (30) days of issuance of the court's written determination.

#### Sec. 3-8-6. - Remediation or redevelopment.

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:
  - (1) Completion of work required under a plan of remedial action or redevelopment approved by the city's planning and development director which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
  - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Forest Park's nuisance ordinance.
- (b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or

applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the tax commissioner of Clayton County, as applicable.

(c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director of the city's planning and development department, and contain the following:

(1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;

(2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;

(3) On parcels of five (5) acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;

(5) The plan shall contain a timetable for completion of required work; and

(6) Any outstanding ad valorem taxes (state, school, county, and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

#### Sec. 3-8-7. - Decrease of tax rate.

(a) Real property which has had its designation as maintained in a blighted condition removed by the public officer, as provided in section 3-8-5, Identification of blighted property, of this article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every twenty-five thousand dollars (\$25,000.00) or portion thereof equaling one (1) year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four (4) successive years.

(b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

#### Sec. 3-8-8. - Notice to tax commissioner.



259       It shall be the duty of the public officer to notify the tax commissioner of Clayton County, as  
260 applicable, in writing as to designation or removal of designation of a specific property as  
261 maintained in a blighted condition. Such notice shall identify the specific property by street address  
262 and tax map, block and parcel number, as assigned by the tax commissioner of Clayton County,  
263 as applicable. The public officer shall cooperate with the tax commissioner to assure accurate tax  
264 billing of those properties subject to increased or reduced ad valorem taxation under this article.

## 2025 Special Election Information



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## PLANNING & COMMUNITY DEVELOPMENT

### Residential Rental Dwelling Unit Inspection & Maintenance Program

To protect the health, safety, and general welfare of residents living in single and multi-family rental housing, the City of Forest Park has adopted The Residential Rental Dwelling Unit Inspection and Maintenance Program set forth in Section 8-2-300 of the City of Forest Park Code of Ordinances.








This program will allow the city to enforce building and property maintenance codes, while also providing remedies for violations of these codes. Our goal is to improve the quality of life for residents by identifying and correcting substandard, unsanitary, and other prohibited conditions in rental units that pose hazards to the tenants and/or neighboring

residents, while also preserving the value of land and property within the city.

**Effective October 1, 2022 all residential rental property owners must obtain an annual business license, issued by the City of Forest Park, for each individual non-owner-occupied rental property unit.**

**\*\*[CLICK HERE TO REGISTER YOUR SHORT-TERM RESIDENTIAL PROPERTY](#)\*\***

-  Residential Rental Inspection Program Checklist (259 KB)
-  Residential Rental Inspection Program FAQ (83 KB)
-  Residential Rental Inspection Program Notice (205 KB)
-  Residential Rental Inspection Program Application (140 KB)
-  Short-Term Rental Permitting Presentation (10 MB)



## CONTACT INFORMATION

**785 Forest Parkway**  
**Forest Park, GA 30297**  
(404) 366-4720

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**745 Forest Parkway, Forest Park, GA 30297**

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# **2022 Georgia Code**

## **Title 36 - Local Government**

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# **2022 Georgia Code**

## **Title 36 - Local Government**

### **Chapter 44 - Redevelopment Powers**

#### **§ 36-44-3. Definitions**

**Universal Citation:**

GA Code § 36-44-3 (2022) (?)

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As used in this chapter, the term:

1. "Ad valorem property taxes" means all ad valorem property taxes levied by each political subdivision and each county and independent board of education consenting to the inclusion of that board of education's property taxes as being applicable to a tax allocation district as provided by Code Section 36-44-9, except:
  - A. Those ad valorem property taxes levied to repay bonded indebtedness;
  - B. Unless otherwise provided in the resolution creating such district, those ad valorem property taxes levied on personal property or on motor vehicles; and
  - C. Unless otherwise provided in the resolution creating such district, those ad valorem property taxes levied on the assessed value of property owned by public utilities and railroad companies, as determined pursuant to the provisions of Chapter 5 of Title 48.
2. "Area of operation" means, in the case of a municipality or its redevelopment agency, the territory lying within the corporate limits of such municipality; in the case of a county or its redevelopment agency, the territory lying within the unincorporated area of the county; and, in the case of a consolidated government or its

redevelopment agency, the area lying within the territorial boundaries of the consolidated government. In the case of a county or its redevelopment agency, such term may also include part or all of the territory within such county lying within the corporate limits of a municipality when authorized by a resolution of the governing authority of such municipality. Such term may also mean the combined areas of operation of political subdivisions which participate in the creation of a common redevelopment agency to serve such participating political subdivisions as provided in subsection (d) of Code Section 36-44-4.

3. "Local legislative body" means the official or body in which the legislative powers of a political subdivision are vested.
4. "Political subdivision" means any county, municipality, or consolidated government of this state.
5. "Redevelopment" means any activity, project, or service necessary or incidental to achieving the development or revitalization of a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan or the preservation or improvement of historical or natural assets within a redevelopment area or a portion thereof designated for redevelopment by a redevelopment plan. Without limiting the generality of the foregoing, redevelopment may include any one or more of the following:
  - A. The construction of any building or other facility for use in any business, commercial, industrial, governmental, educational, charitable, or social activity;
  - B. The renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration, or expansion of any existing building or other facility for use in any business, commercial, industrial, governmental, educational, charitable, or social activity;
  - C. The construction, reconstruction, renovation, rehabilitation, remodeling, repair, demolition, alteration, or expansion of public or private housing;
  - D. The construction, reconstruction, renovation, rehabilitation, remodeling, repair, demolition, alteration, or expansion of public works or other public facilities necessary or incidental to the provision of governmental services;
  - E. The identification, preservation, renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration, or restoration of buildings or sites which are of historical significance;
  - F. The preservation, protection, renovation, rehabilitation, restoration, alteration, improvement, maintenance, and creation of open spaces, green spaces, or recreational facilities;

- G. The construction, installation, preservation, renovation, rehabilitation, reconstruction, restoration, alteration, improvement, and maintenance of public art and arts and cultural facilities;
  - H. The development, construction, reconstruction, repair, demolition, alteration, or expansion of structures, equipment, and facilities for mass transit;
  - I. The development, construction, reconstruction, renovation, rehabilitation, repair, demolition, alteration, or expansion of telecommunication infrastructure;
  - J. The development, construction, reconstruction, renovation, rehabilitation, repair, demolition, alteration, or expansion of facilities for the improvement of pedestrian access and safety;
  - K. Improving or increasing the value of property; and
  - L. The acquisition and retention or acquisition and disposition of property for redevelopment purposes or the use for redevelopment purposes of property already owned by a political subdivision or any agency or instrumentality thereof.
6. "Redevelopment agency" means the local legislative body of a political subdivision or a public body corporate and politic created as the redevelopment agency of the political subdivision or an existing public body corporate and politic designated as the redevelopment agency of the political subdivision pursuant to Code Section 36-44-4.
7. "Redevelopment area" means an urbanized area as determined by current data from the United States Bureau of the Census or an area presently served by sewer that qualifies as a "blighted or distressed area," a "deteriorating area," or an "area with inadequate infrastructure," as follows:
- A. A "blighted or distressed area" is an area that is experiencing one or more conditions of blight as evidenced by:
    - i. The presence of structures, buildings, or improvements that by reason of dilapidation; deterioration; age; obsolescence; inadequate provision for ventilation, light, air, sanitation, or open space; overcrowding; conditions which endanger life or property by fire or other causes; or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency, or crime and are detrimental to the public health, safety, morals, or welfare;
    - ii. The presence of a predominant number of substandard, vacant, deteriorated, or deteriorating structures; the predominance of a defective or inadequate street layout or transportation facilities; or faulty lot layout in relation to size, accessibility, or usefulness;



- iii. Evidence of pervasive poverty, defined as being greater than 10 percent of the population in the area as determined by current data from the United States Bureau of the Census, and an unemployment rate that is 10 percent higher than the state average;
  - iv. Adverse effects of airport or transportation related noise or environmental contamination or degradation or other adverse environmental factors that the political subdivision has determined to be impairing the redevelopment of the area; or
  - v. The existence of conditions through any combination of the foregoing that substantially impair the sound growth of the community and retard the provision of housing accommodations or employment opportunities;
- B. A “deteriorating area” is an area that is experiencing physical or economic decline or stagnation as evidenced by two or more of the following:
- i. The presence of a substantial number of structures or buildings that are 40 years old or older and have no historic significance;
  - ii. High commercial or residential vacancies compared to the political subdivision as a whole;
  - iii. The predominance of structures or buildings of relatively low value compared to the value of structures or buildings in the surrounding vicinity or significantly slower growth in the property tax digest than is occurring in the political subdivision as a whole;
  - iv. Declining or stagnant rents or sales prices compared to the political subdivision as a whole;
  - v. In areas where housing exists at present or is determined by the political subdivision to be appropriate after redevelopment, there exists a shortage of safe, decent housing that is not substandard and that is affordable for persons of low and moderate income; or
  - vi. Deteriorating or inadequate utility, transportation, or transit infrastructure; and
- C. An “area with inadequate infrastructure” means an area characterized by:
- i. Deteriorating or inadequate parking, roadways, bridges, pedestrian access, or public transportation or transit facilities incapable of handling the volume of traffic into or through the area, either at present or following redevelopment; or
  - ii. Deteriorating or inadequate utility infrastructure either at present or following redevelopment.

8. “Redevelopment costs” means any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred to achieve the redevelopment of a redevelopment area or any portion thereof designated by a redevelopment plan or any expenditures made to carry out or exercise any powers granted by this chapter. Without limiting the generality of the foregoing, redevelopment costs may include any one or more of the following:

- A. Capital costs, including the costs incurred or estimated to be incurred for the construction of public works or improvements, new buildings, structures, and fixtures, including facilities owned or operated by school districts and systems; the renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration, or expansion of existing buildings, structures, and fixtures, including facilities owned or operated by school districts and systems; the acquisition of equipment; and the clearing and grading of land;
- B. Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued under this chapter occurring during the estimated period of construction of any project with respect to which any capital costs within the meaning of subparagraph (A) of this paragraph are financed in whole or in part by such obligations and for a period not to exceed 42 months after completion of any such construction and including reasonable reserves related thereto and all principal and interest paid to holders of evidences of indebtedness issued to pay for other redevelopment costs and any premium paid over the principal amount thereof because of the redemption of such obligations prior to maturity;
- C. Professional service costs, including those costs incurred for architectural, planning, engineering, financial, marketing, and legal advice and services;
- D. Imputed administrative costs, including reasonable charges for the time spent by public employees in connection with the implementation of a redevelopment plan;
- E. Relocation costs as authorized by a redevelopment plan for persons or businesses displaced by the implementation of a redevelopment plan, including but not limited to those relocation payments made following condemnation under Chapter 4 of Title 22, “The Georgia Relocation Assistance and Land Acquisition Policy Act”;
- F. Organizational costs, including the costs of conducting environmental impact and other studies, and the costs of informing the public with respect to the creation and implementation of redevelopment plans;

- G. Payments to a political subdivision or board of education in lieu of taxes to compensate for any loss of tax revenues or for any capital costs incurred because of redevelopment activity; provided, however, that any such payments to a political subdivision or board of education shall not exceed in any year the amount of the contribution to the tax allocation increment in that year by such political subdivision or board of education; and
  - H. Real property assembly costs.
9. "Redevelopment plan" means a written plan of redevelopment for a redevelopment area or a designated portion thereof which:
- A. Specifies the boundaries of the proposed redevelopment area;
  - B. Explains the grounds for a finding by the local legislative body that the redevelopment area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the redevelopment plan or that the redevelopment area includes one or more natural, historical, or cultural assets which have not been adequately preserved, protected, or improved and such asset or assets would not reasonably be anticipated to be adequately preserved, protected, or improved without the approval of the redevelopment plan;
  - C. Explains the proposed uses after redevelopment of real property within the redevelopment area;
  - D. Describes any redevelopment projects within the redevelopment area proposed to be authorized by the redevelopment plan, estimates the cost thereof, and explains the proposed method of financing such projects;
  - E. Describes any contracts, agreements, or other instruments creating an obligation for more than one year which are proposed to be entered into by the political subdivision or its redevelopment agency or both for the purpose of implementing the redevelopment plan;
  - F. Describes the type of relocation payments proposed to be authorized by the redevelopment plan;
  - G. Includes a statement that the proposed redevelopment plan conforms with the local comprehensive plan, master plan, zoning ordinance, and building codes of the political subdivision or explains any exceptions thereto;
  - H. Estimates redevelopment costs to be incurred or made during the course of implementing the redevelopment plan;
  - I. Recites the last known assessed valuation of the redevelopment area and the estimated assessed valuation after redevelopment;

- J.** Provides that property which is to be redeveloped under the plan and which is either designated as a historic property under Article 2 of Chapter 10 of Title 44, the “Georgia Historic Preservation Act,” or is listed on or has been determined by any federal agency to be eligible for listing on the National Register of Historic Places will not be:
- i.** Substantially altered in any way inconsistent with technical standards for rehabilitation; or
  - ii.** Demolished unless feasibility for reuse has been evaluated based on technical standards for the review of historic preservation projects,
- which technical standards for rehabilitation and review shall be those used by the state historic preservation officer, although nothing in this subparagraph shall be construed to require approval of a redevelopment plan or any part thereof by the state historic preservation officer;
- K.** Specifies the proposed effective date for the creation of the tax allocation district and the proposed termination date;
- L.** Contains a map specifying the boundaries of the proposed tax allocation district and showing existing uses and conditions of real property in the proposed tax allocation district;
- M.** Specifies the estimated tax allocation increment base of the proposed tax allocation district;
- N.** Specifies ad valorem property taxes for computing tax allocation increments determined in accordance with Code Section 36-44-9 and supported by any resolution required under paragraph (3) of Code Section 36-44-8;
- O.** Specifies the amount of the proposed tax allocation bond issue or issues and the term and assumed rate of interest applicable thereto;
- P.** Estimates positive tax allocation increments for the period covered by the term of the proposed tax allocation bonds;
- Q.** Specifies the property proposed to be pledged for payment or security for payment of tax allocation bonds which property may include positive tax allocation increments derived from the tax allocation district, all or part of general funds derived from the tax allocation district, and any other property from which bonds may be paid under Code Section 36-44-14, subject to the limitations of Code Sections 36-44-9 and 36-44-20;
- R.** If the plan proposes to include in the tax allocation increment ad valorem taxes levied by a board of education, the plan shall contain a school system impact analysis addressing the financial and operational impact on the school system of the proposed redevelopment, including but not limited to an estimate of the

number of net new public school students that could be anticipated as redevelopment occurs; the location of school facilities within the proposed redevelopment area; an estimate of educational special purpose local option sales taxes projected to be generated by the proposed redevelopment, if any; and a projection of the average value of residential properties resulting from redevelopment compared to current property values in the redevelopment area; and

S. Includes such other information as may be required by resolution of the political subdivision whose area of operation includes the proposed redevelopment area.

10. "Resolution" means a resolution or ordinance by which a local legislative body takes official legislative action and any duly adopted amendment thereto.
11. "Special fund" means the fund provided for in subsection (c) of Code Section 36-44-11.
12. "Tax allocation bonds" means one or more series of bonds, notes, or other obligations issued by a political subdivision to finance, wholly or partly, redevelopment costs within a tax allocation district and which are issued on the basis of pledging for the payment or security for payment of such bonds positive tax allocation increments derived from the tax allocation district, all or part of general funds derived from the tax allocation district, and any other property from which bonds may be paid under Code Section 36-44-14, as determined by the political subdivision subject to the limitations of Code Sections 36-44-9 and 36-44-20. Tax allocation bonds shall not constitute debt within the meaning of Article IX, Section V of the Constitution.
13. "Tax allocation district" means a contiguous geographic area within a redevelopment area which is defined and created by resolution of the local legislative body of a political subdivision pursuant to subparagraph (B) of paragraph (3) of Code Section 36-44-8 for the purpose of issuing tax allocation bonds to finance, wholly or partly, redevelopment costs within the area.
14. "Tax allocation increment" means that amount obtained by multiplying the total ad valorem property taxes, determined as provided in Code Section 36-44-9, levied within a tax allocation district in any year by a fraction having a numerator equal to that year's taxable value of all taxable property subject to ad valorem property taxes within the tax allocation district minus the tax allocation increment base and a denominator equal to that year's taxable value of all taxable property subject to ad valorem property taxes within the tax allocation district. In any year, a tax allocation increment is "positive" if the tax allocation increment base is less than that year's

taxable value of all taxable property subject to ad valorem property taxes and “negative” if such base exceeds such taxable value.

15. “Tax allocation increment base” means the taxable value of all taxable property subject to ad valorem property taxes, as certified by the state revenue commissioner, located within a tax allocation district on the effective date such district is created pursuant to Code Section 36-44-8.
16. “Taxable property” means all real and personal property subject to ad valorem taxation by a political subdivision, including property subject to local ad valorem taxation for educational purposes.
17. “Taxable value” means the current assessed value of taxable property as shown on the tax digest of the county in which the property is located.

History. Code 1981, § 36-44-3 , enacted by Ga. L. 2009, p. 158, § 2/HB 63; Ga. L. 2010, p. 878, § 36/HB 1387; Ga. L. 2011, p. 752, § 36/HB 142; Ga. L. 2012, p. 775, § 36/HB 942; Ga. L. 2013, p. 141, § 36/HB 79; Ga. L. 2019, p. 568, § 1/HB 349.

**The 2019 amendment**, effective July 1, 2019, in paragraph (2), added the second sentence, and substituted “Such term” for “ ‘Area of operation’ ” at the beginning of the third sentence.

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*O.C.G.A. TITLE 36 Chapter 61*

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\*\*\* Current Through the 2011 Extraordinary Session \*\*\*

TITLE 36. LOCAL GOVERNMENT  
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS  
CHAPTER 61. URBAN REDEVELOPMENT

O.C.G.A. TITLE 36 Chapter 61 (2012)

§ 36-61-1. Short title

This chapter shall be known and may be cited as the "Urban Redevelopment Law."

§ 36-61-2. Definitions

As used in this chapter, the term:

(1) "Agency" or "urban redevelopment agency" means a public agency created by Code Section 36-61-18.

(2) "Area of operation" means the area within the corporate limits of the municipality or county and the area within five miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated municipality or another county unless a resolution is adopted by the governing body of such other municipality or county declaring a need therefor.

(3) "Board" or "commission" means a board, commission, department, division, office, body, or other unit of the municipality or county.

(4) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(5) "Clerk" means the clerk or other official of the municipality or county who is the custodian

of the official records of such municipality or county.

(6) "County" means any county in this state.

(7) "Downtown development authority" means an authority created pursuant to Chapter 42 of this title.

(8) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(9) "Housing authority" means a housing authority created by and established pursuant to Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

(10) "Local governing body" means the council or other legislative body charged with governing the municipality and the board of commissioners or governing authority of the county.

(11) "Mayor" means the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(12) "Municipality" means any incorporated city or town in the state.

(13) "Obligee" includes any bondholder, agents, or trustees for any bondholders, or any lessor demising to the municipality or county property used in connection with an urban redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality or county.

(14) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(15) "Public body" means the state or any municipality, county, board, commission, authority, district, housing authority, urban redevelopment agency, or other subdivision or public body of the state.

(16) "Real property" includes all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, right, and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise.

(17) "Rehabilitation" or "conservation" may include the restoration and redevelopment of a



slum area or portion thereof, in accordance with an urban redevelopment plan, by:

(A) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(B) Acquisition of real property and rehabilitation or demolition and removal of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of slums or deterioration, or to provide land for needed public facilities;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter; and

(D) The disposition of any property acquired in such urban redevelopment area, including sale, initial leasing or retention by the municipality or county itself, at its fair value for uses in accordance with the urban redevelopment plan.

(18) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare. "Slum area" also means an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; by having development impaired by airport or transportation noise or by other environmental hazards; or any combination of such factors substantially impairs or arrests the sound growth of a municipality or county, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

(19) "Slum clearance and redevelopment" may include:

(A) Acquisition of a slum area or portion thereof;

(B) Rehabilitation or demolition and removal of buildings and improvements;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and

(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan.

(20) "Urban redevelopment area" means a slum area which the local governing body designates as appropriate for an urban redevelopment project.

(21) "Urban redevelopment plan" means a plan, as it exists from time to time, for an urban redevelopment project, which plan shall:

(A) Conform to the general plan for the municipality or county as a whole; and

(B) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban redevelopment area; zoning and planning changes, if any; land uses; maximum densities; building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(22) "Urban redevelopment project" may include undertakings or activities of a municipality or county in an urban redevelopment area for the elimination and for the prevention of the development or spread of slums and may involve slum clearance and redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban redevelopment area, or any combination or part thereof, in accordance with an urban redevelopment plan. Although the power of eminent domain may not be exercised for such purposes, such undertakings or activities may include:

(A) Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting of lands and highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income; and

(B) Construction of foundations and platforms necessary for the provision of air rights sites of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income or construction of foundations necessary for the provision of air rights sites for development of nonresidential facilities.

**HISTORY:** Ga. L. 1955, p. 354, § 19; Ga. L. 1963, p. 644, § 1; Ga. L. 1971, p. 445, §§ 3-5; Ga. L. 1976, p. 946, §§ 2, 3; Ga. L. 1982, p. 3, § 36; Ga. L. 1992, p. 2533, §§ 11, 12.

### § 36-61-3. Legislative findings and declaration of necessity

(a) It is found and declared that there exist in municipalities and counties of this state slum areas, as defined in paragraph (18) of Code Section 36-61-2, which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of this state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities and counties, retards the provision of housing accommodations, aggravates traffic problems, and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums is a matter of state policy and state concern, in order that the state and its municipalities and counties shall not continue to be endangered by areas which are local centers of disease, promote juvenile delinquency, and, while contributing little to the tax income of the state and its municipalities and counties, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(b) It is further found and declared that certain slum areas or portions thereof may require acquisition, clearance, and disposition, subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that the other areas or portions thereof, through the means provided in this chapter, may be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated in subsection (a) of this Code section may be eliminated, remedied, or prevented and that, to the extent that is feasible, salvable slum areas should be conserved and rehabilitated through voluntary action and the regulatory process.

(c) It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain may be exercised. The necessity, in the public interest, for the provisions enacted in this chapter is

declared as a matter of legislative determination.

**HISTORY:** Ga. L. 1955, p. 354, § 2; Ga. L. 1993, p. 91, § 36.

§ 36-61-3.1. "Public use" defined; eminent domain to be exercised solely for public use

(a) As used in this Code section, the term "public use" shall have the meaning specified in Code Section 22-1-1.

(b) Any exercise of the power of eminent domain under this chapter must:

(1) Be for a public use; and

(2) Be approved by resolution of the governing body of the municipality or county in conformity with the procedures specified in Code Section 22-1-10.

**HISTORY:** Code 1981, § 36-61-3.1, enacted by Ga. L. 2006, p. 39, § 22/HB 1313.

§ 36-61-4. Encouragement of private enterprise

A municipality or county, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the municipality or county as a whole, to the rehabilitation or redevelopment of the urban redevelopment area by private enterprise. A municipality or county shall give consideration to this objective in exercising its powers under this chapter, including: the formulation of a workable program; the approval of urban redevelopment plans consistent with the general plan for the municipality or county; the adoption and enforcement of ordinances as provided for in Code Section 36-61-11; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the disposition of any property acquired; and the provision of necessary public improvements.

**HISTORY:** Ga. L. 1955, p. 354, § 3.

**§ 36-61-5. Resolution of necessity prerequisite to exercise of powers**

No municipality or county shall exercise any of the powers conferred upon municipalities and counties by this chapter until after its local governing body has adopted a resolution finding that:

(1) One or more slum areas exist in such municipality or county; and

(2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality or county.

**HISTORY:** Ga. L. 1955, p. 354, § 5.

**§ 36-61-6. Formulation of workable program**

For the purposes of this chapter, a municipality or county may formulate a workable program for utilizing appropriate private and public resources including those specified in Code Section 36-61-11, to eliminate and prevent the development or spread of slums, to encourage needed urban rehabilitation, to provide for the redevelopment of slum areas, or to undertake such of the aforesaid activities or such other feasible municipal or county activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of slums into areas of the municipality or county which are free from slums, through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum areas or portions thereof.

**HISTORY:** Ga. L. 1955, p. 354, § 4.

**§ 36-61-7. Preparation of redevelopment plan; approval; modification; effect of approval**

(a) A municipality or county shall not approve an urban redevelopment plan for an urban redevelopment area unless the governing body, by resolution, has determined such area to be a slum area and designated such area as appropriate for an urban redevelopment project. Authority is vested in every municipality and county to prepare, to adopt, and to revise, from time to time, a general plan for the physical development of the municipality or county as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal and county planning activities, and to make

available and to appropriate the necessary funds therefor. A municipality or county shall not acquire real property for an urban redevelopment project unless the local governing body has approved the urban redevelopment plan in accordance with subsection (d) of this Code section.

(b) The municipality or county may itself prepare or cause to be prepared an urban redevelopment plan; alternatively, any person or agency, public or private, may submit a plan to a municipality or county.

(c) The local governing body of the municipality or county shall hold or shall cause some agency of the municipality or county to hold a public hearing on an urban redevelopment plan or a substantial modification of an approved urban redevelopment plan, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality or county. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban redevelopment area covered by the plan, and shall outline the general scope of the urban redevelopment project under consideration.

(d) Following such hearing, the local governing body may approve an urban redevelopment plan if it finds that:

(1) A feasible method exists for the relocation of families who will be displaced from the urban redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(2) The urban redevelopment plan conforms to the general plan of the municipality or county as a whole; and

(3) The urban redevelopment plan will afford maximum opportunity, consistent with the sound needs of the municipality or county as a whole, for the rehabilitation or redevelopment of the urban redevelopment area by private enterprise.

(e) An urban redevelopment plan may be modified at any time, provided that, if modified after the lease or sale by the municipality or county of real property in the urban redevelopment project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser or his successor or successors in interest may be entitled to assert. Any proposed modification which will substantially change the urban redevelopment plan as previously approved by the local governing body shall be subject to the requirements of this Code section, including the requirement of a public hearing, before it may be approved.

(f) Upon the approval of an urban redevelopment plan by a municipality or county, the provisions of the plan with respect to the future use and building requirements applicable to the

property covered by the plan shall be controlling with respect thereto.

**HISTORY:** Ga. L. 1955, p. 354, § 6; Ga. L. 1982, p. 3, § 36.

#### § 36-61-8. Powers of municipalities and counties generally

Every municipality and every county shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others granted in this chapter:

(1) To undertake and carry out urban redevelopment projects within its area of operation; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter; and to disseminate slum clearance and urban redevelopment information;

(2) To provide, to arrange, or to contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with an urban redevelopment project and to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements, provided that neither the municipality or county itself nor an urban redevelopment agency or housing authority or downtown development authority acting pursuant to an election under Code Section 36-61-17 shall provide, install, or construct any public utility of the same kind or character as an existing utility operating in the municipality or county if such existing utility is providing reasonably adequate and proper service, as determined by the Public Service Commission; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or to compliance with labor standards in the undertaking or carrying out of an urban redevelopment project, and to include, in any contract let in connection with such a project, provisions to fulfill such conditions as it may deem reasonable and appropriate;

(3) Within its area of operation, to enter upon any building or property in any urban redevelopment area in order to make surveys, appraisals, soundings, or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire, by purchase, lease, option, gift, grant, bequest, devise, or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality or county

against any risks or hazards, and to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this chapter; provided, however, that no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality or county or other public body exercising powers under this chapter in the exercise of such functions with respect to an urban redevelopment project, unless the General Assembly shall specifically so state;

(4) To invest any urban redevelopment project funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; and to redeem such bonds as have been issued pursuant to Code Section 36-61-12 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled;

(5) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter, and to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality or county may include in any contract for financial assistance with the federal government for an urban redevelopment project such conditions imposed pursuant to federal law as the municipality or county may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter;

(6) Within their area of operation, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation:

(A) A general plan for the locality as a whole;

(B) Urban redevelopment plans;

(C) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, to include but not to be limited to making loans and grants from funds received from the federal government, as well as from funds received from the repayment of such loans and interest thereon, to persons, public or private, owning private housing for the purpose of financing the rehabilitation of such housing;

(D) Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory



repair, rehabilitation, demolition, or removal of buildings and improvements; and

(E) Appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban redevelopment projects.

The municipality or county is authorized to develop, test, and report methods and techniques and to carry out demonstrations and other activities for the prevention and elimination of slums and to apply for, accept, and utilize grants of funds from the federal government for such purposes;

(7) To prepare plans and provide reasonable assistance for the relocation of families displaced from an urban redevelopment area, to the extent essential for acquiring possession of and clearing such area or parts thereof to permit the carrying out of the urban redevelopment project;

(8) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter and to levy taxes and assessments for such purposes; to close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places; to plan or replan, zone, or rezone any part of the municipality or county or make exceptions from building regulations; and to enter into agreements, under Code Section 36-61-17, with a housing authority, a downtown development authority, or an urban redevelopment agency vested with urban redevelopment project powers, which agreements may extend for up to 50 years respecting action to be taken by such municipality or county pursuant to any of the powers granted by this chapter. The reasonable costs of removing, relocating, and rearranging public utility facilities within urban renewal areas may constitute a cost of carrying out the purposes of this chapter, and every municipality and county may, in their discretion, pay such reasonable costs or any portion thereof;

(9) Within their areas of operation, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality or county, in order that the objective of remedying slums and preventing the causes thereof within the municipality or county may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or county or to reorganize existing offices in order to carry out such purpose most effectively.

(10) To exercise all or any part or combination of powers granted in this Code section.

**HISTORY:** Ga. L. 1955, p. 354, § 7; Ga. L. 1963, p. 644, § 2; Ga. L. 1976, p. 946, § 1; Ga. L. 1992, p. 2533, § 13.

§ 36-61-9. Power of eminent domain; conditions; title acquired

(a) Except as otherwise provided in subsection (c) of this Code section, a municipality or county shall have the right to acquire, by exercise of the power of eminent domain, any real property which it may deem necessary for its purposes under this chapter, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. A municipality or county may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired, provided that no real property belonging to the municipality, the county, the state, or any political subdivision thereof may be acquired without its consent.

(b) Whenever condemnation proceedings are instituted and carried on by a municipality or county in accordance with subsection (a) of this Code section or through any other method of condemnation provided by law, upon the payment by the municipality or county seeking condemnation of the amount of the award and final judgment on appeal the municipality or county shall become vested with a fee simple indefeasible title to the property to which the condemnation proceedings relate. Such payment may be offset in whole or in part by the amount of any municipal or county tax liens on the condemned property and by any existing special assessments tax liens on the condemned property, including without limitation education or special district taxes collected by the municipality or county; provided, however, that any such setoff shall be subject to any existing tax liens having higher priority pursuant to Code Section 48-2-56 and to the interest in the condemned property of any known beneficiary of a year's support pursuant to former Code Section 53-5-2 as such existed on December 31, 1997, if applicable, or Code Sections 53-3-1, 53-3-2, 53-3-4, 53-3-5, and 53-3-7; provided, further, that where the condemned property is subject to a valid deed to secure debt, such setoff shall only be allowed for tax liens which arose as a result of an assessment against such property. It is declared to be necessary, to enable such municipalities and counties to exercise their powers under this Code section, that upon the condemnation proceedings being had, the municipalities and counties shall become vested with fee simple indefeasible title to the property involved in the proceedings.

(c) Unless the property is to be acquired for the purpose of devoting it to a public use, a municipality or county may not acquire real property through the exercise of the power of eminent domain pursuant to subsection (a) of this Code section until the following conditions and requirements have been met:

(1) The municipality or county which adopted the urban redevelopment plan has approved a resolution authorizing the exercise of the power of eminent domain by the agency to acquire the

property;

(2) The municipality or county shall, in writing, notify the owner of the real property proposed to be acquired of the planned rehabilitation of the property as set forth in the urban redevelopment plan for the urban redevelopment area wherein the property is located;

(3) Within 30 days after being so notified, the owner of the property shall have the option of notifying the municipality or county, in writing, of his willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan. In the event of multiple ownership of the property, unanimous agreement by the owners shall be required; and the failure of any one owner to notify the municipality or county, within the time limitation specified in this paragraph, of his willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan shall be deemed to be a failure to exercise the option provided in this paragraph; and

(4) The owner of the property may execute an agreement with the municipality or county to rehabilitate the property in accordance with the urban redevelopment plan. Any such agreement shall be as the municipality or county deems necessary and appropriate as to form and content; in connection therewith, the municipality or county shall have the right to require sufficient performance, payment, and completion bonds. In the event that any such owner, at any time, fails to comply with or defaults in the performance of the provisions of the agreement, such property shall no longer be subject to the agreement, the option provided by paragraph (3) of this subsection shall no longer apply, and the property may be acquired by the municipality or county by purchase or through the exercise of the power of eminent domain. In the alternative, the municipality or county may either specifically enforce the agreement, exercise any rights under any bonds which may have been required, and obtain any other legal or equitable relief as may be available to the municipality or county or, if the owner fails to exercise the option to rehabilitate the property or defaults on the agreement to rehabilitate the property, the municipality or county may implement those portions of the urban development plan with respect to such property to the extent the municipality or county deems necessary and the costs of implementing such plan shall be a lien against the property enforceable in the same manner as tax liens.

**HISTORY:** Ga. L. 1955, p. 354, § 8; Ga. L. 1971, p. 445, §§ 1, 2; Ga. L. 1982, p. 3, § 36; Ga. L. 1992, p. 6, § 36; Ga. L. 1992, p. 2533, § 14; Ga. L. 1994, p. 877, § 1; Ga. L. 1998, p. 128, § 36; Ga. L. 2011, p. 752, § 36/HB 142.

**§ 36-61-10. Disposal of property in redevelopment area generally; notice and bidding procedures; exchange with veterans' organization; temporary operation of property**

(a) A municipality or county may sell, lease, or otherwise transfer real property in an urban redevelopment area or any interest therein acquired by it and may enter into contracts with respect thereto, for residential, recreational, commercial, industrial, or other uses or for public use; or the municipality or county may retain such property or interest for public use, in accordance with the urban redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land and including the incorporation by reference therein of the provisions of an urban redevelopment plan or any part thereof, as it may deem to be in the public interest or necessary or desirable to assist in preventing the development or spread of future slums or to otherwise carry out the purposes of this chapter. Such sale, lease, other transfer, or retention and any agreement relating thereto may be made only after the approval of the urban redevelopment plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban redevelopment plan and may be obligated to comply with such other requirements as the municipality or county may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban redevelopment plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban redevelopment plan. In determining the fair value of real property for uses in accordance with the urban redevelopment plan, a municipality or county shall take into account and give consideration to the uses provided in such plan; the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality or county retaining the property; and the objectives of such plan for the prevention of the recurrence of slum areas. The municipality or county in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the municipality or county until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by a municipality or county which, in accordance with the provisions of the urban redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban redevelopment plan. The inclusion in any such contract or conveyance to a purchaser or lessee of any such covenants, restrictions, or conditions, including the incorporation by reference therein of the provisions of an urban redevelopment plan or any part thereof, shall not prevent the filing of the contract or conveyance in the land records of the county in such manner as to afford actual or constructive notice thereof.

(b) (1) A municipality or county may dispose of real property in an urban redevelopment area to private persons only under such reasonable competitive bidding procedures as it shall prescribe

or as are provided in this subsection. A municipality or county, by public notice by publication once each week for two consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under this Code section, may invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban redevelopment area or any part thereof. The notice shall identify the area or portion thereof and shall state that such further information as is available may be obtained at such office as shall be designated in the notice. The municipality or county shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the municipality or county in the urban redevelopment area. The municipality or county may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this chapter. The municipality or county may execute contracts in accordance with subsection (a) of this Code section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contracts.

(2) Notwithstanding the provisions or requirements of this Code section, any municipality or county may exchange real property or land, whether vacant or improved, in any urban redevelopment area for real property or land, whether vacant or improved, owned by any post, barracks, encampment, chapter, subsidiary, or any other division or unit of any veterans' organization chartered by the United States Congress, provided such real property or land was owned by the veterans' organization on March 6, 1962, and, provided, further, that the municipality or county owning such urban redevelopment area desires to obtain the real property or land owned by the veterans' organization for civic improvements, including, but not limited to, the building of art theaters, stadiums, parks, playgrounds, auditoriums, civic theaters, and performing arts theaters.

(c) A municipality or county may temporarily operate and maintain real property acquired in an urban redevelopment area, pending the disposition of the property for redevelopment, without regard to subsection (a) of this Code section, for such uses and purposes as may be deemed desirable, even if such uses and purposes are not in conformity with the urban redevelopment plan.

**HISTORY:** Ga. L. 1955, p. 354, § 9; Ga. L. 1962, p. 702, § 1.

**§ 36-61-11. Repair, closing, and demolition of dwellings unfit for human habitation**

Any municipality or county may, by ordinance, require the repair, closing, or demolition of dwellings or other structures intended for human habitation which are, as defined in the ordinance, unfit for human habitation or which may imperil the health, safety, or morals of the occupants thereof or of surrounding areas. Such ordinances may include the following:

(1) Definition of the construction, condition, facilities, ventilation, and other conditions which shall render such structures unfit for human habitation or a nuisance;

(2) Designation of a public official or officials with authority to enforce such ordinances and establishment of procedures therefor;

(3) Provision for the enforcement of such ordinances by the municipal court of the municipality, as defined in Code Section 41-2-5, which may include provision for the abatement thereof as nuisances, as provided in such Code section; and

(4) Provision for the posting of notices on dwellings and other structures intended for human habitation, indicating the actions taken by enforcement officials or the court with respect thereto, and the fixing of penalties for the defacing, destruction, or removal of such notices; provided, however, that no such notice shall be posted on any property then designated by proper governmental authority for acquisition by eminent domain.

**HISTORY:** Ga. L. 1955, p. 354, § 18; Ga. L. 1960, p. 1052, § 1; Ga. L. 1987, p. 3, § 36.

**§ 36-61-12. Issuance of bonds; payment; tax exemption; form; terms; sale; signatures; negotiability; effect of recitation on bonds**

(a) A municipality or county shall have power to issue bonds, in its discretion, from time to time, to finance the undertaking of any urban redevelopment project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban redevelopment projects and shall also have power to issue refunding bonds for the payment of retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality or county derived from or held in connection with its undertaking and carrying out of urban redevelopment projects under this chapter; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of

any urban redevelopment projects of the municipality or county under this chapter, and by a mortgage of any such urban redevelopment projects or any part thereof, title to which is in the municipality or county.

(b) Bonds issued under this Code section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this Code section shall be authorized by resolution or ordinance of the local governing body. They may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution of the local governing body or by the trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sales in a newspaper having a general circulation in the area of operation and in such other medium of publication as the municipality or county may determine or may be exchanged for other bonds on the basis of par. Such bonds may be sold to the federal government or to an institution insured by an agency of the federal government at private sale at not less than par and, in the event that less than all of the authorized principal amount of such bonds is sold to the federal government or to an institution insured by an agency of the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality or county, such cost not to exceed the interest cost to the municipality or county of the portion of the bonds sold to the federal government or to an institution insured by an agency of the federal government.

(e) If any of the public officials of the municipality or county whose signatures appear on any bonds or coupons issued under this chapter cease to be such officials before the delivery of the bonds, such signatures, nevertheless, shall be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued

under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality or county in connection with an urban redevelopment project, as defined in paragraph (22) of Code Section 36-61-2, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with this chapter.

(g) Any urban redevelopment agency or housing authority which a municipality or county has elected to exercise powers under Code Section 36-61-17 may also issue bonds, as provided in this Code section, in the same manner as a municipality or county, except that such bonds shall be authorized and the terms and conditions thereof shall be prescribed by the commissioners of such urban redevelopment agency or housing authority in lieu of the local governing body.

**HISTORY:** Ga. L. 1955, p. 354, § 10; Ga. L. 1970, p. 115, § 1; Ga. L. 1980, p. 1352, § 1; Ga. L. 1982, p. 3, § 36; Ga. L. 1993, p. 91, § 36.

#### § 36-61-13. Bonds declared legal investments

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality or county pursuant to this chapter or by any urban redevelopment agency or housing authority vested with urban redevelopment project powers under Code Section 36-61-17, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government, in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity thereon, which moneys under the terms of the agreement are required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this Code section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this Code section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.



**HISTORY:** Ga. L. 1955, p. 354, § 11.

**§ 36-61-14. Exemption of property from execution, levy, and sale; tax exemption**

(a) All property of a municipality or county, including funds owned or held by it for the purposes of this chapter, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall judgment against a municipality or county be a charge or lien upon such property; provided, however, that this Code section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality or county on its rents, fees, grants, or revenues from urban redevelopment projects.

(b) The property of a municipality or county, acquired or held for the purpose of this chapter, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof. Such tax exemption shall terminate when the municipality or county sells, leases, or otherwise disposes of property in an urban redevelopment area to a purchaser or lessee who or which is not a public body.

**HISTORY:** Ga. L. 1955, p. 354, § 12.

**§ 36-61-15. Presumption as to title of purchaser of property from municipality or county**

Any instrument executed by a municipality or county and purporting to convey any right, title, or interest in any property under this chapter shall be conclusively presumed to have been executed in compliance with this chapter insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

**HISTORY:** Ga. L. 1955, p. 354, § 14.

**§ 36-61-16. Assistance by public bodies generally; powers of public bodies; powers of municipalities and counties**

(a) For the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project located within the area in which it is authorized to act, any public body, upon such terms, with or without consideration, as it may determine, may:

(1) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a municipality or county;

(2) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Code section;

(3) Do any and all things necessary to aid or cooperate in the planning or carrying out of an urban redevelopment plan;

(4) Lend, grant, or contribute funds to a municipality or county;

(5) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or county or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban redevelopment project; and

(6) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, education, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan, replan, zone, or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality or county.

If at any time title to or possession of any urban redevelopment project is held by any public body or governmental agency, other than the municipality or county, which is authorized by law to engage in the undertaking, carrying out, or administration of urban redevelopment projects, including any agency or instrumentality of the United States of America, the provisions of the agreements referred to in this subsection shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the terms "municipality" and "county" shall also include an urban redevelopment agency or a housing authority vested with all of the urban redevelopment project powers pursuant to Code Section 36-61-17.

(b) Any sale, conveyance, lease, or agreement provided for in this Code section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(c) For the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project of an urban redevelopment agency or a housing authority under this chapter, a municipality or county may, in addition to their other powers and upon such terms, with or without consideration, as they may determine, do and perform any or all of the actions or

things which, by subsection (a) of this Code section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(d) For the purposes of this Code section or for the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project of a municipality or county, such municipality or county may, in addition to any authority to issue bonds pursuant to Code Section 36-61-12, issue and sell its general obligation bonds. Any bonds issued by a municipality or county pursuant to this Code section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality and county for public purposes generally.

**HISTORY:** Ga. L. 1955, p. 354, § 13; Ga. L. 1982, p. 3, § 36.

§ 36-61-17. Exercise of redevelopment powers by municipalities and counties; delegation to redevelopment agency or housing authority

(a) A municipality or county may itself exercise its "urban redevelopment project powers," as defined in subsection (b) of this Code section, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban redevelopment agency created by Code Section 36-61-18 or by a housing authority, if one exists or is subsequently established in the community, or by an existing or subsequently established downtown development authority. In the event that the local governing body makes such determination, the urban redevelopment agency or the housing authority or downtown development authority, as the case may be, shall be vested with all of the "urban redevelopment project powers" of the municipality or county conferred in this chapter, in the same manner as though all such powers were conferred on the agency or authority instead of the municipality or county; and any public body may cooperate with the urban redevelopment agency or housing authority or the downtown development authority to the same extent that it could cooperate with the municipality or county itself if the municipality or county were exercising its urban redevelopment project powers. If the local governing body does not elect to make such determination, the municipality or county in its discretion may exercise its urban redevelopment project powers through a board or commissioner or through such officers of the municipality or county as the local governing body may by resolution determine.

(b) As used in this Code section, the term "urban redevelopment project powers" shall include all of the rights, powers, functions, duties, privileges, immunities, and exemptions granted to a municipality or county under this chapter, except the following:

(1) The power to determine an area to be a slum area and to designate such area as appropriate for an urban redevelopment project;

- (2) The power to approve and amend urban redevelopment plans;
- (3) The power to establish a general plan for the locality as a whole;
- (4) The power to formulate a workable program under Code Section 36-61-6;
- (5) The powers, duties, and functions referred to in Code Section 36-61-11;
- (6) The power to make the determinations and findings provided for in Code Section 36-61-4, Code Section 36-61-5, and subsection (d) of Code Section 36-61-7;
- (7) The power to issue general obligation bonds; and
- (8) The power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in paragraph (8) of Code Section 36-61-8.

**HISTORY:** Ga. L. 1955, p. 354, § 16; Ga. L. 1982, p. 3, § 36; Ga. L. 1987, p. 3, § 36; Ga. L. 1992, p. 2533, § 15.

§ 36-61-18. Creation of agency; appointment of board of commissioners; compensation, term, and certificate; annual report; removal of commissioners

(a) There is created in each municipality and in each county a public body corporate and politic to be known as the "urban redevelopment agency" of the municipality or county. Such agency shall not transact any business or exercise its powers under this Code section until or unless the local governing body has made the finding prescribed in Code Section 36-61-5 and has elected to have the urban redevelopment project powers exercised by an urban redevelopment agency as provided in Code Section 36-61-17.

(b) If the urban redevelopment agency is authorized to transact business and exercise powers under this Code section, the mayor, by and with the advice and consent of the local governing body, or the board of commissioners or other governing body of the county shall appoint a board of commissioners of the urban redevelopment agency, which shall consist of such number of commissioners, with such terms of office, as shall be determined by the local governing body. If the governing body of a municipality designates members of a downtown development authority as an urban redevelopment agency, the method of appointment, number of commissioners, and terms of office shall be in conformity with the requirements of Code Section 36-42-4.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality or county and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(d) The powers of an urban redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he resides within the area of operation of the agency, which shall be coterminous with the area of operation of the municipality or county, and is otherwise eligible for such appointments under this chapter.

(e) The mayor or the board of commissioners or other governing body of the county shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it may require and may determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file with the local governing body, on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality or county and that the report is available for inspection during business hours in the office of the city or county clerk and in the office of the agency.

(f) For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed, but only after a hearing. He shall be given a copy of the charges at least ten days prior to such hearing and shall have an opportunity to be heard in person or by counsel.

**HISTORY:** Ga. L. 1955, p. 354, § 16; Ga. L. 1992, p. 2533, § 16.

§ 36-61-19. Interest by public official or employee or employee of redevelopment agency in redevelopment project or property; disclosure; eligibility of commissioners and officers of housing authorities for other office

(a) No public official or employee of a municipality or county or of a board or commission thereof and no commissioner or employee of a housing authority or urban redevelopment agency which has been vested by a municipality or county with urban redevelopment project powers under Code Section 36-61-17 shall voluntarily acquire any interest, direct or indirect, in any urban redevelopment project of such municipality or county or in any property included or planned to be included in any such urban redevelopment project or in any contract or proposed contract in connection with such urban redevelopment project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban redevelopment project, he shall immediately disclose this in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; any such official, commissioner, or employee shall not participate in any action by the municipality or county or a board or commission thereof, the housing authority, or the urban redevelopment agency affecting such property. Any disclosure required to be made by this Code section to the local governing body shall concurrently be made to a housing authority or urban redevelopment agency which has been vested with urban redevelopment project powers by the municipality or county pursuant to Code Section 36-61-17.

(b) Directors of a downtown development authority designated as an urban redevelopment agency pursuant to this chapter and other public officers of the municipality or county may serve as commissioners of the urban redevelopment agency, provided that such persons comply with the provisions of subsection (a) of this Code section.

(c) Any violation of this Code section shall constitute misconduct in office.

**HISTORY:** Ga. L. 1955, p. 354, § 17; Ga. L. 1992, p. 2533, § 17; Ga. L. 2010, p. 834, § 1/SB 456.